THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1914 of 2005

08-11-2005

Between:

The Toddy Tappers Cooperative Society, Tandur, rep. by its

President.

.....APPELLANT

AND

The Superintendent of Prohibition & Excise, Ranga Reddy District & Others.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1914 of 2005

JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

The controversy in this writ appeal is whether a person is entitled to remission of license fee for the period for which his license remains under suspension in terms of The Andhra Pradesh Excise Act, 1968 (for short 'the Act').

The case of the appellant is that on the basis of allegation that he was selling adulterated toddy, his license was suspended. After inquiry, the toddy was not found to be adulterated and license was restored. In between, from the date of suspension till the restoration of license, obviously the appellant could not do any business; therefore, he should be given the remission of the license fee.

Whether a person is entitled to remission of license fee once the license is suspended or revoked, is a question, which has been considered by two earlier Full Benches of this Court—the latest being the judgment by a Full Bench of this Court in Writ Petition No.15904 of 1994, decided on 17th of March 2005. While interpreting Section 31(3) of the Act, the Court held that even for the period of suspension of license, the licensee is bound to pay the license fee.

Since the matter is concluded by the judgment of Full Bench, we do not see any merit in this Writ Appeal, which is accordingly dismissed. No order as to costs.

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(BILAL NAZKI, ACJ)

08th November 2005.

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(R.SUBHASH REDDY, J)

ajr